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30 November 1951

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Request from O-2 for Discussion of
Agreed Activities under NSCIB #5.

1. Reference is made to my memorandum to you dated 17 November 1951 concerning the above subject. On 23 November 1951, prior to the receipt of the attached memo and proposed agreement from General Bolling to you, Mr. Roy Tod of O-2 informally coordinated with OSO the draft of the proposed agreement entitled "Establishment of 'Agreed Activities' by the Department of the Army Under the Provisions of NSCIB #5".

2. The draft has been carefully reviewed by OSO, and in the opinion of this Office represents a sound statement of the problem. Complete coordination with CIA of the espionage and counterespionage activities being conducted by the Services has never taken place and would be of great benefit and assistance in reducing duplication, eliminating the undue dissipation of intelligence assets, and providing an orderly controlled maximum utilization of the entire U.S. intelligence potential.

3. It is recommended that the proposals in the attached agreement be concurred in and implemented and that the same proposals be extended to include the Navy and the Air Force.

LYMAN B. KIRKPATRICK
Deputy Assistant Director
Special Operations

Encl:

Ltr. from A.C. of S., O-2
to HCI, dated 26 Nov 51,
with attachment.

WKH:md (Retyped ADSO's off.)

1 cc - OPS ✓
1 cc - STC
1 cc - PLANS
Orig. & 1 - addressee

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SECURITY INFORMATION

23 November 1951

DRAFT

SUBJECT: Establishment of "Agreed Activities" by the Department of the Army
Under the Provisions of NSCID #5.

1. NSCID #5 authorizes and directs that the DCI shall conduct all organized Federal espionage operations outside the United States and its possessions for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies. (The same policy applies to counter-espionage activities). This directive further provides that the use of casual agents in a covert capacity by any IAC agency shall be coordinated by the DCI with the organized covert activities.

2. For varying reasons, largely beyond the control of the intelligence agencies, the entire provisions of NSCID #5 have never been effectively implemented nor has the U.S. attained the position where it can now accomplish espionage operations on the scale required to meet completely the continually expanding needs of all the Departments and Agencies concerned. Since the original issuance of NSCID #5 in January 1947 there has been a steady expansion in the scope and volume of the intelligence information required by the military services and other agencies. Because this has been paralleled by an expansion in the security measures of the USSR and its satellites, the U.S. Government has been faced with an ever increasing dependence upon espionage and related clandestine activities as the primary means for obtaining the information required.

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3. Through necessity and with the tacit approval of CIA, the Army intelligence elements within the overseas command areas have been conducting espionage operations, to varying degrees, since the end of World War II. Under a strictly legal interpretation of NSCID #5 in the absence of any official arrangements for "agreed activities" by the Department of the Army, the Army is not empowered to conduct organized espionage operations and CIA remains responsible for the conduct of espionage operations to meet both the tactical requirements of the overseas commanders and to meet the long range strategic requirements originating at the Washington level. However, the Army possesses, by virtue of its trained complements in overseas areas and its present and past "unagreed activities", espionage assets which should be utilized to the fullest extent in order to meet the ever increasing need for that intelligence information which, under present conditions, is procurable only through clandestine operations. In order to regularize these necessary and desirable espionage activities being conducted by the Army, they should be "legalized" by agreement between the DCI and the Department of the Army as provided in NSCID #5. Such agreement would permit the Army, in large measure, to conduct espionage operations to meet those tactical information requirements which are in direct support of an overseas commanders mission and would place CIA in a better position to concentrate on long range strategic requirements which usually necessitate deeper and more permanent operations.

4. Various ad hoc arrangements have been made between the Army and CIA in an attempt to solve the problem of conducting espionage operations on a closely coordinated basis as envisaged by NSCID #5. During the period 1949-50, G-2, in collaboration with CIA, prepared and issued to the intelligence chiefs of FECOM,

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USFA, and EUCOM, policy letters calling for joint planning and coordination of operations between CIA and these overseas commands. However, these policies have not been implemented to a productive and satisfactory extent.

5. There are established responsibilities for the implementation of National Security Council Intelligence Directives. First, NSCID #1 provides that "the respective intelligence chiefs shall be responsible for insuring that NSC orders or directives, when applicable, are implemented within their intelligence organizations". In this connection, the revised NSCID #5 (dated 28 Aug 51) was sent by the NSC to the Director of Central Intelligence and the IAC agencies for appropriate action; Second, JCS 202/70 charges the JIC with responsibility for preparation of joint guidance to unified commands (under further provision of JCS 1259/27) on national policy pertaining to intelligence activities. The unified commands have not been notified officially of the recent revision of NSCID #5 nor have the service intelligence chiefs on the IAC taken formal action to implement the "agreed activities" portion of this directive, and officially establish the current and continuing espionage operations of the military services as "agreed activities" under the provisions of NSCID #5.

6. It is deemed essential that action be taken to remedy these deficiencies with the least possible delay so that espionage operations being conducted by the Army shall be officially recognized by the DCI as "agreed activities" under the provisions of NSCID #5 and fully coordinated by him within the framework of an overall program to insure the most effective use of all espionage capabilities currently or potentially available to the U.S. Government.

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3 ENCLOSURE "B"

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7. The current situation may be summarized as follows:

a. The United States government is not now in a position to meet the full extent of its present needs for clandestine collection of intelligence information. Fulfillment of these needs can only be met through centrally coordinated utilization of all espionage capabilities currently or potentially available to the U. S. Government.

b. Army intelligence elements within the overseas command areas are conducting espionage operations without their "accreditation" as "agreed activities" under the provisions of NSC 5.

c. The overseas commands have information requirements, based upon their assigned missions, which can only be met through espionage operations.

d. The formation of SHAPE, the imminent ratification of a treaty with Japan, and the consummation of contractual agreements with the German Federal Republic will make necessary some readjustment of our espionage and related clandestine activities being conducted in and from those two countries.

e. As additional areas of the world become critical or sensitive, in terms of their involvement with the struggle between the USSR and the Western Powers, there will be a further increase in the scope and variety of information targets requiring espionage activity on the part of the U. S. Government.

f. It has now become mandatory that all U. S. espionage capabilities be put to use and that they be conducted in such a manner that each capability will be so applied as to best meet the overall interests of the U.S. Government.

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SERIES "B"

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OPERATION

8. It is believed that action should be taken to accomplish the following:

a. Development of a basic agreement between the DCI and the Department of the Army that will establish the conditions, including type of espionage operations, and the extent to which Army intelligence elements within the overseas command areas may conduct, as "agreed activities" under the provisions of NSCIC #5, espionage operations in direct support of the overseas commanders mission or for such purposes as the DCI and the A.C. of S, G-2 may mutually agree to be in the overall interests of the U.S. Government.

b. Development of specific agreements to meet the particular requirements and conditions existing within each overseas command area, with particular reference to the areas in or from which the Army intelligence elements may conduct espionage operations as "agreed activities."

c. Development of a mechanism for centralized coordination and control of U.S. espionage operations both at the Washington level and in the field, that will:

(1) Promote the most effective use of all espionage capabilities currently or potentially available to the U. S. Government;

(2) Avoid duplication of effort, unwitting multiple use of the same sources, false confirmation, and the dissipation of those intelligence assets which are available.

e. Preparation of the necessary directives to implement the action, outlined in sub-paragraphs a. through d. above, within the Army elements of the overseas commands and appropriate CIA stations overseas.

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9. It is recommended that G-2 discuss this proposal informally with the DCI and suggest to him that appropriate representatives of G-2 and CIA/80 be appointed to develop the action outlined in paragraph 8 above. This proposal has been informally coordinated with the OSO/CIA and it is understood that the DCI has been informed.

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File: 50

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